

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF:	)	
	)	
APPLICATION FOR TRANSFER	)	
NO. 5089 FILED IN THE NAME	)	
OF GEORGE &/OR GWEN MONTGOMERY,	)	
Applicants	)	
AND	)	NOTICE OF JOINT PRE-HEARING
	)	CONFERENCE
APPLICATION FOR TRANSFER	)	
NO. 5090 FILED IN THE NAME	)	
OF A.W. &/OR S.J. ANDERSON,	)	
Applicants	)	
	)	

On August 31, 1995-George A. &/or Gwen Montgomery (applicants) filed with the Department of Water Resources (department) an Application for Transfer No. 5089 to make numerous changes to a portion of Decreed Water Right No. 45-00294. Timely protests filed on behalf of A.W. & S.J. Anderson, and Kyle Denaughel were received raising all issues described in §42-222 against the approval of the application. A late protest was received on July 7, 1997 from Earl Warthen and a Petition to Intervene was granted to Mr. Warthen on August 1, 1997.

On September 27, 1995-A.W. &/or S.J. Anderson (applicants) filed with the Department of Water Resources (department) an Application for Transfer No. 5090 to make numerous changes to a portion of Decreed Water Right No. 45-00294. Timely protests filed on behalf of George &/or Gwen Montgomery, and Kyle Denaughel were received raising all issues described in §42-222 against the approval of the application. A late protest was received on July 7, 1997 from Earl Warthen and a Petition to Intervene was granted to Mr. Warthen on August 1, 1997.

The Department has set the matter for a joint conference on Thursday-August 21, 1997 at 10:00 a.m. in the Conference Room of the law offices of PARSONS SMITH STONE & FLETCHER, 137 West 13th Street-Burley, ID.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 1st day of August, 1997.


Allen D. Merritt, P.E.
Regional Manager

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PETITION TO)
INTERVENE IN THE PROTESTED)
APPLICATION FOR TRANSFER NO. 5089)
FILED IN THE NAME OF GEORGE &/OR)
GWEN MONTGOMERY AND APPLICATION)
FOR TRANSFER NO. 5090 FILED IN)
THE NAME OF A.W. &/OR S.J.)
ANDERSON)

**ORDER GRANTING
PETITION TO
INTERVENE**

On August 31, 1995-George A. &/or Gwen Montgomery (applicants) filed with the Department of Water Resources (department) an Application for Transfer No. 5089 to make numerous changes to a portion of Decreed Water Right No. 45-00294. Timely protests filed on behalf of A.W. & S.J. Anderson, and Kyle Denaughel were received raising all issues described in §42-222 against the approval of the application. A late protest was received on July 7, 1997 from Earl Warthen.

On September 27, 1995-A.W. &/or S.J. Anderson (applicants) filed with the Department of Water Resources (department) an Application for Transfer No. 5090 to make numerous changes to a portion of Decreed Water Right No. 45-00294. Timely protests filed on behalf of George &/or Gwen Montgomery, and Kyle Denaughel were received raising all issues described in §42-222 against the approval of the application. A late protest was received on July 7, 1997 from Earl Warthen.

On July 25, 1997-Earl Warthen (petitioner), submitted to the department a petition for an order to intervene in the above described matters as authorized in Rule of Procedure IDAPA 37.01.01350 (Rule 350).

After reviewing said protestant's original protest and said petitioner's petition it is found that the petitioner has shown sufficient interest in the matters without unduly broadening the issues.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition of Earl Warthen requesting intervention in any conference and/or hearing scheduled by the department in connection with the above captioned matters is GRANTED.

Dated this 1st day of August, 1997.



Allen Merritt
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of August, 1997, a true and correct copy of the foregoing Notice of Pre-Hearing Conference and Order Granting Intervention was forwarded with all required charges prepared, by regular U.S. Mail, to the parties listed:

Mary Baldwin
Secretary

A.W. & S.J. ANDERSON
HC 36 BOX 14
ALBION ID 83311

NORMAN M SEMANKO ESQ
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

R C STONE ESQ
PARSONS SMITH STONE & FLETCHER
PO BOX 910
BURLEY ID 83318

KYLE DENAUGHEL
1826 W 350 N
WEST POINT UT 84015-6306

GEORGE A. &/OR GWEN MONTGOMERY
STAR RTE BOX 13
ALBION ID 83311

EARL L WARTHEN
PO BOX 145
ALBION ID 83311